

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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KASHNER DAVIDSON SECURITIES CORP., )  
VICTOR KASHNER, MATTHEW MEISTER, ) Case No. 05-CV-11433-JLT  
and TIMOTHY VARCHETTO, )  
Plaintiffs, )  
vs. )  
STEVEN MSCISZ, MARK MSCISZ, and )  
LYNDA MSCISZ, )  
Defendants. )

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**MOTION TO ADMIT COUNSEL *PRO HAC VICE***

Pursuant to Local Rule 83.5.3, the undersigned counsel, Howard M. Smith, hereby moves that this Court enter an Order granting leave to Marc J. Ross and Richard J. Babnick Jr. of Sichenzia Ross Friedman Ference LLP, 1065 Avenue of the Americas, 21<sup>st</sup> Floor, New York, New York, to appear on behalf of Plaintiffs Kashner Davidson Securities Corp., Victor Kashner, Timothy Varchetto, and Matthew Meister to practice before this Court in the above-captioned action.

1. Mr. Ross was admitted to the Bar of the State of New York in 1988. He has also been admitted to practice in the United States District Courts as of the years indicated: Southern District of New York (1988) and Eastern District of New York (1988).

2. There are no disciplinary proceedings pending against Mr. Ross as a member of the Bar in any jurisdiction.

3. Mr. Ross has represented to the undersigned counsel that he is familiar with the Local Rules of the Untied States District Court for the District of Massachusetts.

4. In further support of this motion, Mr. Ross has submitted herewith his Certificate of Good Standing as required by Local Rule 85.5.3.

5. Mr. Babnick was admitted to the Bar of the State of New York in 1997. He has also been admitted to practice in the United States District Courts as of the years indicated: Southern District of New York (1998) and Eastern District of New York (1998).

6. There are no disciplinary proceedings pending against Mr. Babnick as a member of the bar in any jurisdiction.

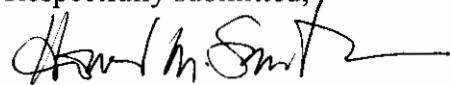
7. Mr. Babnick has represented to the undersigned counsel that he is familiar with the Local Rules of the Untied States District Court for the District of Massachusetts.

8. In further support of this motion, Mr. Babnick has submitted herewith his Certificate of Good Standing as required by Local Rule 85.5.3.

WHEREFORE, the undersigned counsel respectfully moves that Mr. Ross and Mr. Babnick be admitted to practice before this Court *pro hac vice*.

Dated: July 27, 2005

Respectfully submitted,

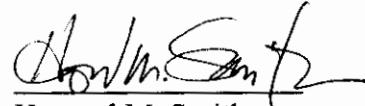


Howard M. Smith  
NEWMAN & SMITH  
One Gateway Center  
Newton, Massachusetts 02458  
(617) 965-9697

Attorneys for Defendants Kashner Davidson Securities Corp., Victor Kashner, Timothy Varchetto, and Matthew Meister.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served upon all counsel of record by mail on July 28, 2005.

  
Howard M. Smith

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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**AFFIDAVIT IN SUPPORT OF MOTION TO PRACTICE *PRO HAC VICE***

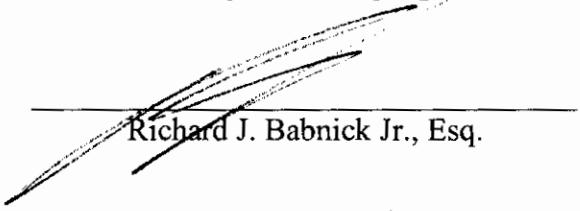
RICHARD J. BABNICK JR., ESQ., having been duly sworn, deposes and says:

1. That I am a Partner in the law firm of Sichenzia Ross Friedman Ference LLP (“SRFF”).
2. That I am a permanent resident of New Jersey and reside at 190 Riverwalk Way, Clifton, New Jersey 07014.
3. That I am making this Affidavit in support of an application to be admitted *pro hac vice* as co-counsel for Plaintiffs Kashner Davidson Securities Corporation (“KDSC”), Victor Kashner, Matthew Meister and Timothy Varchetto in connection with the above referenced matter, docket number 05-CV-11433-JLT, referred to in the “Motion for Admission to Practice *Pro Hac Vice*.”

4. That I am a member of the Bar of the State of New York and have been licensed to practice before all Courts of the State of New York, including the Court of Appeals, at all time subsequent to January 28, 1997, and am presently a member in good standing of said Bar.

5. In support of this motion, I have attached a certificate of good standing as Exhibit A hereto.

6. That I have advised KDSC with respect to its matters for four years and I was counsel to Plaintiffs in the underlying arbitration proceeding between the parties hereto before the National Association of Securities Dealer – the Award of which is the subject of the Amended Complaint in this action to confirm, modify and enter judgment thereon.

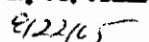
  
Richard J. Babnick Jr., Esq.

SUBSCRIBED AND SWORN TO ME THIS 26 DAY OF July, 2005

  
Notary Public

My Commission Expires:

MARC J. ROSS  
Notary Public, State of New York  
No. 4953368  
Qualified in New York County  
Commission Expires July 10, 10

Dated: \_\_\_\_\_, 



*State of New York  
Supreme Court, Appellate Division  
Third Judicial Department*

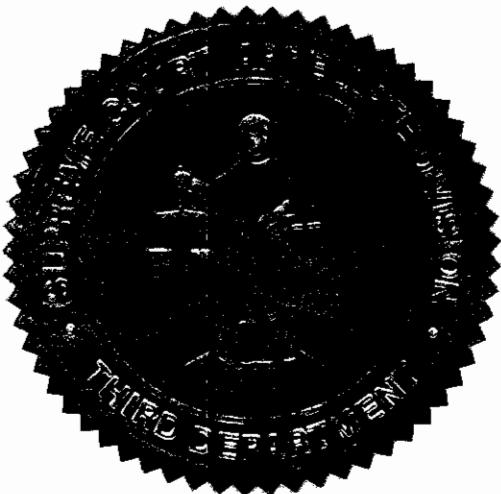
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*I, Michael J. Novack, Clerk of the Appellate Division of the Supreme Court of the State of New York, Third Judicial Department, do hereby certify that*

*Richard Johnnie Babnick, Jr.*

*having taken and subscribed the Constitutional Oath of Office as prescribed by law, was duly licensed and admitted to practice by this Court as an Attorney and Counselor at Law in all courts of the State of New York on the 28th day of January, 1997, is currently in good standing and is registered with the Administrative Office of the Courts as required by section four hundred sixty-eight-a of the Judiciary Law.*

*In Witness Whereof, I have hereunto set my hand  
and affixed the Seal of said Court, at the  
City of Albany, this 21st day of July,  
2005.*



*Michael J. Novack*  
\_\_\_\_\_  
*Clerk*

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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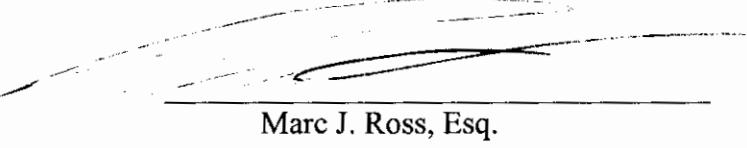
MARC J. ROSS, ESQ., having been duly sworn, deposes and says:

1. That I am a Partner in the law firm of Sichenzia Ross Friedman Ference LLP.
2. That I am a permanent resident of New York and reside 99 Jane St., New York, New York, 10014.
3. That I am making this Affidavit in support of an application to be admitted *pro hac vice* as co-counsel for Plaintiffs Kashner Davidson Securities Corporation (“KDSC”), Victor Kashner, Matthew Meister, and Timothy Varchetto in connection with the above referenced matter, docket number 05-CV-11433-JLT, referred to in the “Motion for Admission to Practice *Pro Hac Vice*.”

4. That I am a member of the Bar of the State of New York and have been licensed to practice before all Courts of the State of New York, including the Court of Appeals, at all time subsequent to April 13, 1988, and am presently a member in good standing of said Bar.

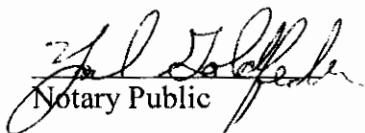
5. In support of this motion, I have attached a certificate of good standing as Exhibit A hereto.

6. That I have advised KDSC with respect to its matters for over four years and I was counsel to Plaintiffs in the underlying arbitration proceeding between the parties hereto before the National Association of Securities Dealer – the Award of which is the subject of the Amended Complaint in this action to confirm, modify and enter judgment thereon.



Marc J. Ross, Esq.

SUBSCRIBED AND SWORN TO ME THIS ~~XX~~ DAY OF July 2005



Notary Public

My Commission Expires:

**YOEL GOLDFEDER**  
**Notary Public State of New York**  
No. 02GO6106104  
Qualified in Nassau County  
Commission Expires March 1, 2008



Appellate Division of the Supreme Court  
of the State of New York  
Second Judicial Department

I, James Edward Pelzer, Clerk of the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, do hereby certify  
That **Marc Jonathan Ross** was duly licensed and admitted to practice as an Attorney and Counselor at Law in all the courts of the State, according to the laws of the State and the court rules and orders, on the **13 th** day of **April 1988**  
has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counselors at Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an attorney and counselor at law.

In Witness Whereof, I have hereunto set my hand and affixed  
the seal of said Appellate Division on **July 18, 2005**

A large, black, star-shaped redaction mark covering the signature of James Edward Pelzer.

Clerk